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PATENT

Our Docket: P-HR 5214

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Smith and Cruikshank )  
Serial No.: 10/038,509 )  
Filed: January 3, 2002 )  
For: DIAGNOSIS AND THERAPY OF )  
ANTIBODY-MEDIATED )  
INFLAMMATORY AUTOIMMUNE )  
DISORDERS )

Examiner: Not Yet Known

Group Art Unit: 1644

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C., 20231, Attn: Office of Initial Patent Examination's Filing Receipt Corrections, on January 2, 2003.

By: Astrid R. Spain  
Astrid R. Spain, Reg. No. 47,956

Commissioner for Patents  
Washington, D.C. 20231

January 2, 2003  
Date of Signature

ATTN: Office of Initial Patent  
Examination's Filing Receipt Corrections

CORRECTION OF FILING RECEIPT

Sir:

The filing receipt issued in the above-identified application is incorrect for the reason set forth below:

1. The filing receipt issued on September 25, 2002, (Exhibit A), does not list Domestic Priority data. This is incorrect. As indicated on the attached copy of the Utility Patent Application Transmittal (Exhibit B), the Domestic Priority Data should read, "This application is a CIP of 10/046,651 10/19/2001 which is a CON of 09/684,601 10/6/2000".

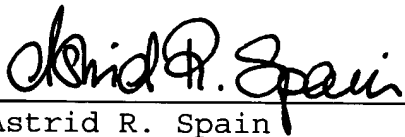
Attached is a copy of the Filing Receipt with the changes noted thereon (Exhibit A). Applicants accordingly request that these corrections be made of record and that an amended Filing Receipt be issued.

Inventors: Smith and Cruikshank  
Serial No.: 10/038,509  
Filed: January 3, 2002  
Page 2

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge any fees to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: January 2, 2003

  
\_\_\_\_\_  
Astrid R. Spain  
Registration No. 47,956  
Telephone No.: (858) 535-9001  
Facsimile No.: (858) 535-8949

CAMPBELL & FLORES LLP  
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San Diego, California 92122  
USPTO CUSTOMER NO. 23601



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Commissioner for Patents  
Washington, DC 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/038,509	01/03/2002	1644	435	P-HR 5214	16	8	1

22249  
LYON & LYON LLP  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071



270/149

CONFIRMATION NO. 5468

UPDATED FILING RECEIPT



\*OC000000008843773\*

Date Mailed: 09/25/2002

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Terry J. Smith, Manhattan Beach, CA;  
William W. Cruikshank, Westford, MA;

**Domestic Priority data as claimed by applicant**

This application is a CIP of 10/046,651 10/19/2001  
which is a CON of 09/684,601 10/06/2000  
Foreign Applications

If Required, Foreign Filing License Granted 02/01/2002

Projected Publication Date: 07/03/2003

Non-Publication Request: No

Early Publication Request: No

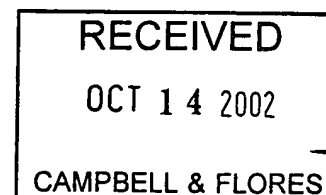
\*\* SMALL ENTITY \*\*

**Title**

Diagnosis and therapy of antibody-mediated inflammatory auto-immune disorder

Preliminary Class

EXHIBIT A



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IRVINE OFFICE

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

COPY

Patent  
Attorney Docket: 270/149



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 252/248  
First Named Inventor: Terry Smith  
Prior Application Information:  
Serial No. Error! Style not defined.  
Examiner: J. Roark  
Art Unit: 1644

Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☐ continuation ☐ divisional ☒ continuation-in-part (CIP)

This application is a continuation-in-part of co-pending application filed on October 19, 2001, Lyon & Lyon Docket No. 268/269 (serial number not yet assigned) entitled "DETECTION OF ANTIBODY MEDIATED INFLAMMATORY AUTO-IMMUNE DISORDERS," which is a continuation of U.S. Patent Application Serial No. 09/684,601, filed on October 6, 2000, and entitled "DETECTION OF ANTIBODY MEDIATED INFLAMMATORY AUTO-IMMUNE DISORDERS".

By Terry Smith and William Walker Cruikshank, entitled:  
**DIAGNOSIS AND THERAPY OF ANTIBODY-MEDIATED  
INFLAMMATORY AUTO-IMMUNE DISORDERS**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

OC-100484.1

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL 723999332 US  
Express Mail Label No.

January 03, 2002  
Date of Deposit

Lynne Fulmer  
Name of Person Mailing Paper

*Lynne Fulmer*  
Signature of Person Mailing Paper

EXHIBIT B

**I. APPLICATION ELEMENTS ENCLOSED**

- 50 Page(s) of Written Description  
1 Page(s) of Claims  
1 Page(s) of Abstract  
16 Sheet(s) of Drawings ☐ formal ☒ informal  
Page(s) of ☐ Declaration or ☐ Declaration and Power of Attorney  
☐ Copy from prior application [37 CFR § 1.63(d)]  
☐ Newly executed  
X Other: Return Postcard
- ☐ Assignment papers (cover sheet and documents(s))  
☐ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.  
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

**II. FEE CALCULATION**

- ☒ Applicant claims small entity status under 37 CFR 1.27.

<b>BASIC FILING FEE:</b>						\$740.00
Total Claims	7	-	20	=	0 x \$18.00	\$0.00
Independent Claims	1	-	3	=	0 x \$84.00	\$0.00
Multiple Dependent Claims	\$280	(if applicable)			<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						\$740.00
Reduction by ½ for Filing by Small Entity.						<input checked="" type="checkbox"/> \$370.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
<b>TOTAL FEES DUE HERewith</b>						\$370.00

**III. PRIORITY - 35 USC § 119**

- ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in Country is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The certified copy will follow.

**IV. AMENDMENTS**

- ☐ Cancel in this application original Claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**V. RELATE BACK - 35 USC § 120**

- ☒ Relate back information included in preliminary amendment or specification.
- ☐ Please amend the specification as follows:  

[Enter continuing data here]
- ☐ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
  - ☐ the same.
  - ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:  

[Name(s) of inventor(s) to be deleted]

**VI. METHOD OF PAYMENT OF FEES**

- ☐ Attached is a check in the amount of \_\_\_\_\_.
- ☐ Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \_\_\_\_\_.
- ☒ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

**VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. 12-2475 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 12-2475:

- ☐ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☐ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

**VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS**

- ☒ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:



LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Please direct all inquiries to Kurt T. Mulville, at the above Customer Number.

**IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION**

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until \_\_\_\_\_. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

**X. ABANDONMENT OF PRIOR APPLICATION**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

LYON & LYON LLP

Dated: January 3, 2002

By: \_\_\_\_\_

Kurt T. Mulville  
Reg. No. 37,194